

PTO/SB/30 (10/2001)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/742,679
Filing Date	12/20/2000
First Named Inventor	Robert A. Luciano, Jr.
Art Unit	3713 #14 Request for RCE w/ response
Examiner Name	Y. Cherubin
Attorney Docket Number	GSS-00-001 4/1/03

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8,

1. Submission required under 37 CFR §1.114**a. ☐ Previously submitted****i. ☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on** _____
(Any unentered amendment(s) referred to above will be entered).**ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on** _____**iii. ☐ Other** _____**b. ☒ Enclosed****i. ☒ Amendment/Reply****iii. ☐ Information Disclosure Statement (IDS)****ii. ☐ Affidavit(s)/Declaration(s)****iv. ☒ Other Petition to Revive under 37 CFR 1.137(b)****2. Miscellaneous****a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for**
a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)**b. ☐ Other** _____**3. Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.**a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to**
Deposit Account No. _____**i. ☒ RCE fee required under 37 CFR §1.17(e)****ii. ☐ Extension of time fee (37 CFR §§1.136 and 1.17)****iii. ☒ Other Petition to Revive - unintentional**

01/15/2003 HGBREH1 00000052 09742679

b. ☐ Check in the amount of \$ _____ enclosed

02 FC:2801

375.00 0P

c. ☒ Payment by credit card (Form PTO-2038 enclosed)**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

Russ F. Marsden

Registration No. (Attorney / Agent)

43,775

Signature

Russ F. Marsden

Date

01/09/2003

CERTIFICATE OF MAILING OR TRANSMISSION

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Carla Bankhead

Signature

Carla Bankhead

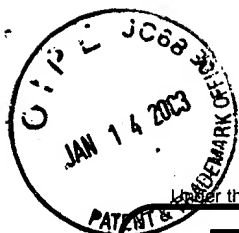
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,025.00

Complete if Known

Application Number 09/742,679

Filing Date 12/20/2000

First Named Inventor Robert A. Luciano, Jr.

Examiner Name Y. Cherubin

Art Unit 3713

Attorney Docket No. GSS-00-001

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OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 410	2252 205	Extension for reply within second month
1253 930	2253 465	Extension for reply within third month
1254 1,450	2254 725	Extension for reply within fourth month
1255 1,970	2255 985	Extension for reply within fifth month
1401 320	2401 160	Notice of Appeal
1402 320	2402 160	Filing a brief in support of an appeal
1403 280	2403 140	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,300	2453 650	Petition to revive - unintentional
1501 1,300	2501 650	Utility issue fee (or reissue)
1502 470	2502 235	Design issue fee
1503 630	2503 315	Plant issue fee
1460 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))
1801 750	2801 375	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1025.00

650.00

375.00

SUBMITTED BY

Name (Print/Type) Russ F. Marsden

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(Attorney/Agent)

(Complete if applicable)

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Signature

Russ F. Marsden

Date 01/09/2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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Office Action Response (With RCE)

In an Office Action dated 18 June 2002 (hereinafter "OA"), outstanding claims 92-103 have been rejected under 35 USC §103. The OA was made final. The present Office Action Response includes responses to the rejections and also includes a Request for Continuing Examination (RCE) under 37 CFR 1.114, with applicable fees.

Response To Claims Rejections Under 35 USC §103

The currently pending claims are numbered 92-103. There are three independent claims: 92, 98, and 102. Claims 93-97 depend from 92, claims 99-101 depend from 98, and claim 103 depends from 102.

Applicant will address the 35 USC §103 rejections of the independent claims first. For ease of reference, the three independent claims are reproduced below, with bolding to emphasize certain elements:

92. A gaming device configured to allow a player to **play a game in exchange for a wager in a casino environment**, the gaming device comprising:

a) a ticket printer configured to generate a printed ticket, said printed ticket having indicia thereon to identify a **state of said game**;

b) a ticket reader configured to read said printed ticket and determine said state of said game; and

c) an manager module executed on the gaming device configured to restore said state of said game to said determined state after said ticket reader reads said printed ticket, wherein said determined state does not comprise gaming credits suitable for establishing a wager.

98. A method for maintaining the state of a game on a gaming device configured to allow a player to **play a game in exchange for a wager operating in a casino environment**, said game including a primary game and a secondary game, said method comprising:

- a) determining a **player's state of the secondary game** at the termination of the primary game;
- b) generating a printed ticket, said printed ticket having indicia thereon to identify the **player's secondary game state**;
- c) dispensing the printed ticket to the player;
- d) receiving the printed ticket from the player;
- e) determining the **player's secondary game state**; and
- f) restoring the **secondary game to the state determined as the player's secondary game state**.

102. A gaming device **operating in a casino environment** comprising:

- a) means for allowing a **player to play a game in exchange for a wager**;
- b) means for determining a **player's game state**;
- c) means for maintaining said **player's game state**; and
- d) means for restoring said **player's game state**.

The independent claims all contain the elements of “operating in a casino environment” and “play ... in exchange for a wager”. These two elements define the present invention as applicable to the domain of games (i) operating in a casino (gambling) environment, and (ii) based on wagering (betting). This set of games are substantively different

than arcade games, where no wager-based play occurs. Arcade games are pay-for-play, not wagering or betting games, and are typically found outside of casinos. Wagering games, being highly regulated, are not found in arcades. Home entertainment games, the subject of Endo, are even further removed from wager-for-play games than are play-for-pay games. In home entertainment games, there is no monetary-based exchange of any type; home games are further not found in casinos for play. Non-wager games are constructed and marketed entirely differently than wager-based games. Wager-based games have different internal construction and components than non-wager based games, not the least of which is the hardware and software required to generate wager-based play in a regulated environment, one example being the use of a RNG to determine all or portions of a game outcome in a regulated environment. They are used by different groups of people for different purposes, having had little in common historically.

Endo (U.S. Patent 4,752,068) is cited for its game state saving descriptions, where a user of non-wager-based games used on a home or business computer may be able to stopped and restarted. In claim 92, this corresponds to element **“configured to restore said state of said game to said determined state”**; in claim 102 to **“player’s game state”**; but has no corresponding element in 98. Claim 98 addresses secondary games only, with the element **“player’s secondary game state”**. Endo does not suggest or teach secondary games nor does it teach anything about secondary game states. If the Examiner disagrees with this statement, Applicant respectfully requests specific cites in Endo that discusses or teaches secondary games and secondary game states so Applicant may more fully respond.

Stockdale (U.S. Patent 6,251,014) generally teaches a gaming machine accepting wagers, configured using a peripheral controller to control some or all the functions of various peripherals typically found in a gaming machine, and in particular the top box (prior art to Stockdale had a centralized controller, or single processor controlling all peripherals, in a gaming device). Applicant agrees that Stockdale teaches various peripherals in operation on a gaming machine, in particular printers, where the gaming machine accepts wagers for game input. However, Applicant does not see any teachings or suggestions in Stockdale for saving player game state. If the Examiner disagrees, Applicant respectfully requests specific cites to teachings for savable player game state in Stockdale.

Without a teaching to combine elements found in the plurality of references used to reject currently pending independent claims 92, 98, and 102, the prima facie case for the rejection under 35 USC §103 has not been made. Applicant therefore requests that the 103 rejection of independent claims 92, 98, and 102 be withdrawn.

As all dependent claims inherit the limitations of the parent claims from which they depend, and Applicant believes Applicant has shown that the prima facie case of obviousness has not been met for the three pending independent claims, each currently pending dependent claim has also been shown to not be obvious under Endo in light of Stockdale. Applicant therefore requests that the 103 rejections of dependent claims 93-97, 99-101, and 103 be withdrawn.

Conclusion

Based on the above remarks, Applicant respectfully submits that all of the presently pending claims are in condition for allowance. Accordingly, Applicant requests consideration for same. Applicant invites the Examiner to contact the representing attorney via phone, prior to a Final Office Action, if the Examiner believes that claims are not considered allowable to discuss allowable subject matter.

Respectfully submitted,

Russ F. Marsden

Date: 9-Jan-2003

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